

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN ASSEMBLY APRIL 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1164

Introduced by Assembly Member Gordon

February 18, 2011

~~An act to amend Section 185020 of the Public Utilities Code, relating to the High-Speed Rail Authority. An act to add Article 13 (commencing with Section 8879.79) to Chapter 12.491 of Division 1 of Title 12 of the Government Code, relating to transportation, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1164, as amended, Gordon. ~~High-Speed Rail Authority: appointees: Senate confirmation. Federal transportation funds.~~

Existing law generally provides for programming and allocation of state and federal transportation capital improvement program funds pursuant to the state transportation improvement program process administered by the California Transportation Commission.

Existing law provides for allocation of certain other transportation capital improvement funds outside the state transportation improvement program process, including federal regional surface transportation improvement program funds, state bond funds, funds set aside for state highway rehabilitation under the state highway operation and protection program, and funds from various other sources.

Existing law authorizes the Department of Transportation, with the approval of the Director of Finance, to make loans from the State Highway Account of certain federal transportation economic stimulus

funds to advance bond-funded projects pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, as specified.

This bill would enact similar provisions authorizing the department to make loans from the State Highway Account of other specified federal transportation funds to advance bond-funded projects pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 that meet certain requirements. The bill would appropriate those federal transportation funds in the State Highway Account for these purposes and would require those funds to be obligated to advance the bond-funded projects, as specified. The bill would require the loans to be repaid to the State Highway Account from the proceeds of bonds sold pursuant to the bond act and would provide for the appropriation of those repaid funds to the department for use on projects in the state highway operation and protection program or the local assistance program, as specified. The bill would require the department to report to the Joint Legislative Budget Committee each year that federal transportation funds are loaned pursuant to these provisions.

~~Existing law creates the High-Speed Rail Authority within the state government with various powers and duties relative to development and implementation of a high-speed passenger train system. Existing law provides that 5 of the 9 members comprising the authority shall be appointed by the Governor.~~

~~This bill would require that those gubernatorial appointments be made with the advice and consent of the Senate.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 13 (commencing with Section 8879.79) is
2 added to Chapter 12.491 of Division 1 of Title 12 of the
3 Government Code, to read:

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5 Article 13. Federal Transportation Funds

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7 8879.79. (a) Notwithstanding any other provision of law, the
8 department, with the approval of the Director of Finance, may
9 make a loan or loans from the State Highway Account of federal
10 funds made available to it pursuant to Title 23 of the United States

Code for purposes of advancing a project, or a portion of a project, that has been programmed, to be funded by Chapter 12.49 (commencing with Section 8879.20). The board, as defined in subdivision (a) of Section 8879.22, may request the department to make a loan or loans. The aggregate amount of the request shall not exceed the amount of the unsold bonds that the committee, as defined in subdivision (b) of Section 8879.22, has, by resolution, authorized to be sold, less any amount loaned pursuant to Section 8879.31 or withdrawn pursuant to Section 8879.32. Federal funds loaned under this section are hereby appropriated for that purpose, and shall be obligated directly to the project or projects funded under this section. That obligation shall be considered a loan of federal funds as authorized by this section. The loan or loans shall be repaid without interest to the State Highway Account from the proceeds of bonds sold pursuant to Chapter 12.49 (commencing with Section 8879.20). The board shall execute any documents as required by the department to obtain and repay the loan or loans.

(b) (1) Except as specified in paragraph (2), upon repayment of a loan made pursuant to subdivision (a), those funds are hereby appropriated to the department for use on projects in the state highway operation and protection program.

(2) If a loan of funds pursuant to subdivision (a) is made from local subvention funds, the funds received for repayment of the loan are hereby appropriated to the department for use in the local assistance program consistent with the manner in which the loaned federal funds would have otherwise been used.

(c) Federal funds loaned under this section shall be limited by the department as necessary to ensure that priority, to the extent allowable under federal law, is given to the use of federal funds for projects that repair or rehabilitate the existing transportation system and for state transportation improvement program projects.

(d) Within 45 days after the end of each fiscal year in which the loan authority under subdivision (a) has been exercised, the department shall report to the Joint Legislative Budget Committee on the loans made and the methodology used for selecting the projects funded.

~~SECTION 1. Section 185020 of the Public Utilities Code is amended to read:~~

~~185020. (a) There is in state government a High-Speed Rail Authority.~~

~~(b) (1) The authority is composed of nine members as follows:~~

~~(A) Five members appointed by the Governor, with the advice and consent of the Senate.~~

~~(B) Two members appointed by the Senate Committee on Rules.~~

~~(C) Two members appointed by the Speaker of the Assembly.~~

~~(2) For the purposes of making appointments to the authority, the Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall take into consideration geographical diversity to ensure that all regions of the state are adequately represented.~~

~~(e) Except as provided in subdivision (d), and until their successors are appointed, members of the authority shall hold office for terms of four years. A vacancy shall be filled by the appointing power making the original appointment, by appointing a member to serve the remainder of the term.~~

~~(d) (1) On and after January 1, 2001, the terms of all persons who are then members of the authority shall expire, but those members may continue to serve until they are reappointed or until their successors are appointed. In order to provide for evenly staggered terms, persons appointed or reappointed to the authority after January 1, 2001, shall be appointed to initial terms to expire as follows:~~

~~(A) Of the five persons appointed by the Governor, one shall be appointed to a term which expires on December 31, 2002, one shall be appointed to a term which expires on December 31, 2003, one shall be appointed to a term which expires on December 31, 2004, and two shall be appointed to terms which expire on December 31, 2005.~~

~~(B) Of the two persons appointed by the Senate Committee on Rules, one shall be appointed to a term which expires on December 31, 2002, and one shall be appointed to a term which expires on December 31, 2004.~~

~~(C) Of the two persons appointed by the Speaker of the Assembly, one shall be appointed to a term which expires on December 31, 2003, and one shall be appointed to a term which expires on December 31, 2005.~~

~~(2) Following expiration of each of the initial terms provided for in this subdivision, the term shall expire every four years thereafter on December 31.~~

~~(e) Members of the authority are subject to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).~~

- 1 ~~(f) From among its members, the authority shall elect a~~
2 ~~chairperson, who shall preside at all meetings of the authority, and~~
3 ~~a vice chairperson to preside in the absence of the chairperson.~~
4 ~~The chairperson shall serve a term of one year.~~
5 ~~(g) Five members of the authority constitute a quorum for taking~~
6 ~~any action by the authority.~~

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